

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BARBARA A. WILHELM,
Plaintiff

v.

COMMONWEALTH OF PA.;
PENNSYLVANIA STATE POLICE;
COLONEL PAUL J. EVANKO,
COMMISSIONER; LIEUTENANT
COLONEL THOMAS K. COURY; and
CAPTAIN MICHAEL. D. SIMMERS,
Defendants

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NO. 1:CV-01-1057

(JUDGE RAMBO)

FILED
HARRISBURG, PA

JUN 05 2003

MARY E. D'ANDREA, CLERK
Per
Deputy Clerk

**MOTION FOR LEAVE TO EXCEED 15 PAGE
LIMIT ON BRIEF IN OPPOSITION TO ATTORNEYS FEE PETITION**

Defendant hereby moves the Court to permit defendant to exceed the 15 page limit imposed by Local Rule 7.8 on its brief filed in opposition to plaintiff's petition for attorney's fees. Defendant requests leave to file a brief not to exceed 25 pages. In support of this motion defendants state as follows:

1. This is an employment case in which judgment has been entered.
2. On May 5, 2003 plaintiff filed her petition for an award of attorney's fees and costs in the amount of \$381,044.55.
3. Defendant's brief in opposition to the petition is presently due on June 9, 2003.

4. This case involved multiple claims of discrimination and retaliation in connection with plaintiff's employment with the State Police.

5. Summary judgment was granted in favor of defendants on all but one of plaintiff's claims.

6. The remaining claim went to trial and plaintiff obtained a verdict of \$250,000.

7. Following a hearing on equitable relief, the Court rejected plaintiff's claim for front pay, ordered defendant to reinstate plaintiff into a job comparable to the one she lost and ordered approximately \$29,000 in front pay for the time from the verdict until reinstatement occurred.

8. The petition for attorney's fees and costs raises numerous issues regarding the excessiveness of the hours claimed, the adequacy of the documentation, the propriety of the hourly rate claimed by counsel and limited success achieved by plaintiff.

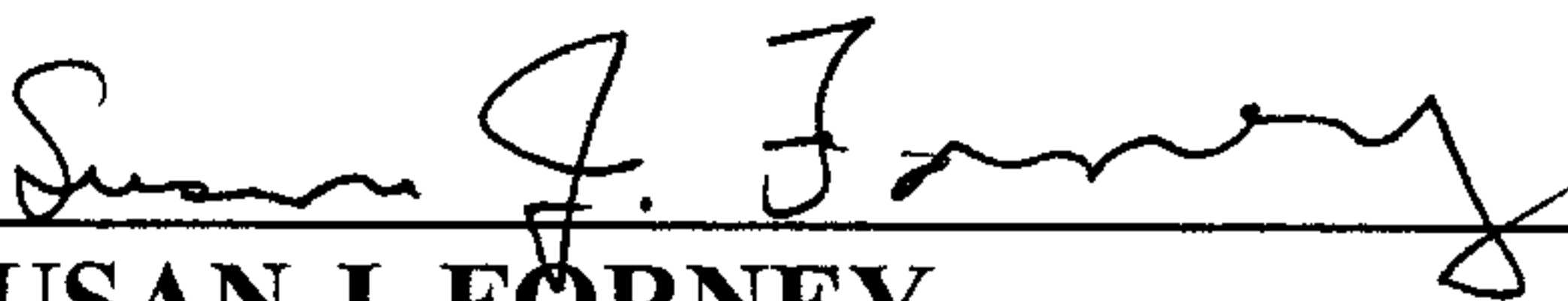
9. Defendant has found that it can not adequately discuss these issues in the 15 pages allowed by the Local Rules.

10. Defendant can adequately present its position in 25 pages and by this motion respectfully request the Court to permit it to do so.

WHEREFORE, defendant respectfully requests the Court to grant it leave to file a 25 page brief in opposition to plaintiff's petition for attorney's fees and costs.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY: 
SUSAN J. FORNEY
Chief Deputy Attorney General
I.D. No. 27744

Office of Attorney General
Litigation Section
15th Floor, Strawberry Square
Harrisburg, PA 17120
(717) 787-9831 - Direct
(717) 772-4526 - Fax

DATED: June 5, 2003

CERTIFICATE OF CONCURRENCE/NONCONCURRENCE

I hereby certify that on June 5, 2003, I called opposing counsel's office to seek concurrence in the foregoing motion. I left a message regarding said motion and have not heard anything in return. I will file an amended certificate reflecting counsel's position after we have communicated.



SUSAN J. FORNEY
Chief Deputy Attorney General

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(JUDGE RAMBO)

CERTIFICATE OF SERVICE

I, SUSAN J. FORNEY, Chief Deputy Attorney General, do hereby
certify that on June 5, 2003, I caused to be served the foregoing **Motion to Exceed
15 Page Limit on Brief in Opposition to Attorneys Fees Petition**, by depositing a
copy of the same in the United States mail, first class, postage prepaid, to the
following:

Nathan C. Pringle, Jr., Esquire
3601 N. Progress Avenue, Suite 200
Harrisburg, PA 17110


SUSAN J. FORNEY
Chief Deputy Attorney General